


FILED

UNITED STATES DISTRICT COURT FEB 01 2007  
WESTERN DISTRICT OF TEXAS

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY   
DEPUTY CLERK

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

MARVIN LEVAUGHN

CASE NUMBER: W07-21M

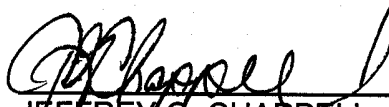
I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief.

On or about February 1, 2007, in Bell County, in the Western District of Texas defendant did persuade, induce, entice and coerce or attempt to persuade, induce, entice and coerce an individual who had not attained the age of 18 years to engage in prostitution or any sexual activity for which any person can be charged with, in violation of Title 18, United States Code, Section(s) 2422(b).

I further state that I am a(n) Special Agent, Department of Homeland Security, Immigration and Customs Enforcement, and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

continued on the attached sheet and made a part hereof: YES



JEFFREY G. CHAPPELL, Special Agent  
Department of Homeland Security  
Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence,

February 1, 2007 at \_\_\_\_\_  
Date

Waco, Texas  
City and State

Walter S. Smith, Jr., Chief US District Judge  
Name & Title of Judicial Officer

  
Signature of Judicial Officer

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Jeffery G. Chappell, being duly sworn, depose and state:

1. I am a Special Agent with the Department of Homeland Security, Immigration and Customs Enforcement (ICE), assigned to the Special Agent in Charge in Houston, Texas. I have been so employed since January 4, 2004. As part of my daily duties as an ICE agent, I investigate criminal violations relating to child exploitation and child pornography including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2252(a) and 2252A, as well as Coercion and enticement, in violation of Title 18 U.S.C. § 2422(b), et seq. I have received specialized training in the area of child pornography and child exploitation, and I have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I have also participated in the execution of numerous search warrants many of which involved child exploitation and/or child pornography offenses.
2. This Affidavit is made in support of a criminal complaint charging Marvin LEVAUGHN with violations of Title 18 U.S.C. § 2422(b) which makes it a crime for any person to use the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States to knowingly persuade, induce, entice, or coerce any individual who has not attained the age of 18 years, or attempts to do so, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, to wit: Texas Penal Code §22.021 (Aggravated Sexual Assault of a Child).

3. I am familiar with the information contained in this affidavit based upon the investigation I and other agents have conducted and based on my conversations with other law enforcement officers who have engaged in numerous investigations involving child sexual exploitation.
4. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that evidence of violations of Title 18 U.S.C. § 2422(b), et seq., have been committed by Marvin LEVAUGHN on or about October 25, 2006 to February 1, 2007.
5. On October 25, 2006, Detective Roger Williamson, Kemah Police Department, Kemah, Texas, accessed the Internet, in an undercover capacity, in an attempt to detect and investigate the distribution and/or receipt of child pornography via the Internet. As part of this investigation, Detective Williamson created an online persona of a 13 year-old female, named "Cindy.", a Yahoo! username of "cindy13kemt看" and accessed a Yahoo! chatroom "Texas".
6. While in the Yahoo! chatroom "Texas", "cindy13kemt看" was contacted, via Yahoo! instant messaging by an individual with the username "assassin0016". During this private chat "cindy13kemt看" informed "assassin0016" that her age was 13 and he acknowledged that he believed "cindy13kemt看" was 13 years of age. During this chat "assassin0016" asked for a picture of "cindy13kemt看". "cindy13kemt看" sent an image, depicting a female (non-sexual image). This image is of a Harris County Constable Precinct 4 employee. After receiving the

image, "assassin016" stated that "cindy13kemt看" actually looks 16 years old.

"assassin016 then initiated a sexual explicit conversation with "cindy13kemt看"

and during the chat he activated a live webcam feed, which allowed

"cindy13kemt看" to watch a male subject masturbating. After masturbating,

"assassin016" then continued a sexually explicit chat with "cindy13kemt看",

which, in part, is as follows:

assassin0016 (11:32:25 AM): i wish i was there now kissing u baby

cindy13kemt看 (11:32:33 AM): it so far

assassin0016 (11:32:45 AM): i know

assassin0016 (11:32:58 AM): i wish we could make love

assassin0016 (11:33:49 AM): i want u naked Cindy

cindy13kemt看 (11:34:15 AM): lol k

assassin0016 (11:34:27 AM): do u want me too

assassin0016 (11:36:22 AM): my tongue inside ur lil baby pussy

assassin0016 (11:36:40 AM): then once ur all wet u would be ready for  
my dick

assassin0016 (11:39:12 AM): i bet u would be a hot lil fuck for me

cindy13kemt看 (11:39:29 AM): lol

assassin0016 (11:39:43 AM): id love to put u on all fours baby and suck ur  
kitty from behind and stick my tongue inside ur lil ass baby

assassin0016 (11:39:56 AM): u would be wanting to fuck me all the time  
after i did it once

cindy13kemt看 (11:40:21 AM): really

assassin0016 (11:40:28 AM): heck yes

assassin0016 (11:40:37 AM): u would be addicted to this dick

7. From October 25, 2006 to February 1, 2007, "assassin016" and "cindy13kemt看" chatted numerous times via Yahoo! Instant messenger. During these chats "assassin016" brought up the subject of the two of them being together in person and in several of the chats, brought up the subject of having sex with "cindy13kemt看". "assassin016" also initiated several sexually explicit chats with "cindy13kemt看" while chatting on Yahoo! instant messenger. "assassin016" was also very complimentary towards "cindy13kemt看" saying on numerous occasions,

how beautiful he thought she was and that she was "hot". "assassin016" was also trying to persuade "cindy13kemt看" that he could be trusted and that he would be gentle and go slow.

8. On October 27, 2006, I issued a summons to Yahoo! Inc., requesting subscriber information and login information for the Yahoo! user name "assassin016".
9. On October 29, 2006, "assassin016" contacted "cindy13kemt看" via Yahoo! Instant messenger. "assassin016" asked "cindy13kemt看" if she wanted to see him and "assassin016" activated his live-webcam feed allowing "cindy13kemt看" to view an adult male subject. "assassin016" tell "cindy13kemt看" that he wishes that she was there with him. "cindy13kemt看" tells "assassin016" that she wouldn't want to get into trouble with his wife, "assassin016" replied, she wouldn't find out and they could not tell anyone. "assassin016" asked "cindy13kemt看" if she wanted to make love and for him to be her first. "cindy13kemt看" tells "assassin016" that she can not get pregnant. "assassin016" tells "cindy13kemt看" that he will use a condom. "assassin016" moves his webcam in order to show "cindy13kemt看" his penis. "assassin016" exposes his penis to the webcam and asked "cindy13kemt看" if she sees it. "assassin016" continues to talk in an explicit sexual manor to "cindy13kemt看". The following is an excerpt from that chat:

assassin0016 (2:34:34 PM): i wish u were here with me now baby  
cindy13kemt看 (2:34:46 PM): really???  
assassin0016 (2:34:50 PM): yes  
cindy13kemt看 (2:34:57 PM): that would be real kewl  
assassin0016 (2:35:06 PM): i could hold u really tight baby and kiss ur  
sweet lips Cindy  
cindy13kemt看 (2:35:18 PM): thats sweet  
assassin0016 (2:35:22 PM): thanks

assassin0016 (2:35:27 PM): i would baby if u wanted me too  
cindy13kemt看 (2:35:38 PM): O-YEA  
assassin0016 (2:35:43 PM): u would  
cindy13kemt看 (2:35:49 PM): of course  
assassin0016 (2:35:59 PM): u wanna see me  
assassin0016 (2:36:14 PM): i want u bad  
cindy13kemt看 (2:36:14 PM): sure if u can  
assassin0016 (2:36:26 PM): just dont let ur family see me  
assassin0016 (2:36:30 PM): ur cousins  
cindy13kemt看 (2:36:40 PM): nono hell no i woldnt  
assassin0016 (2:36:40 PM): they will say he looks too old for u baby  
assassin0016 (2:36:49 PM): do u want me  
cindy13kemt看 (2:37:04 PM): HIII  
assassin0016 (2:37:09 PM): hi baby  
cindy13kemt看 (2:37:12 PM): yea ur the weetest  
assassin0016 (2:37:17 PM): i want u so bad  
cindy13kemt看 (2:37:50 PM): why r u so sweet to me...no one else is  
assassin0016 (2:38:02 PM): cause ur sweet and very hot looking  
cindy13kemt看 (2:38:38 PM): LOL TY...we made a myspace page this  
weekend  
assassin0016 (2:38:44 PM): u did  
cindy13kemt看 (2:38:47 PM): yea  
assassin0016 (2:38:55 PM): cool  
cindy13kemt看 (2:39:05 PM): yea im working on it  
assassin0016 (2:39:06 PM): i wish u were here with me now  
cindy13kemt看 (2:39:20 PM): yea that would be so kewl  
assassin0016 (2:39:30 PM): id be kissing u all over baby  
cindy13kemt看 (2:39:36 PM): i wouldnt want to get u in trouble with ur  
wife thow  
assassin0016 (2:39:47 PM): she wouldnt find out  
assassin0016 (2:39:52 PM): we couldnt tell anyone  
cindy13kemt看 (2:40:02 PM): heel no....  
cindy13kemt看 (2:40:07 PM): hell  
assassin0016 (2:40:15 PM): id love to make love to u

The chat continued:

assassin0016 (2:43:05 PM): u want me to be ur first baby  
cindy13kemt看 (2:43:28 PM): sure...u think it would be ok  
assassin0016 (2:43:38 PM): u would love it id be so gentle with u  
assassin0016 (2:43:54 PM): well since ur so far from me were gonna have  
to be computer lovers for now  
cindy13kemt看 (2:43:57 PM): i just couldnt get pregnet  
assassin0016 (2:44:05 PM): i wouldnt baby  
assassin0016 (2:44:16 PM): id use a condom if u wanted but i cant get u  
pregnant

cindy13kemt看 (2:44:31 PM): why is that  
assassin0016 (2:44:45 PM): i had a vasectomy years ago  
cindy13kemt看 (2:44:52 PM): ooo sorry  
cindy13kemt看 (2:45:12 PM): i for got that u had that done  
assassin0016 (2:45:16 PM): no thats nothing to be sorry about  
assassin0016 (2:45:26 PM): i just cant get a girl pregnant anymore  
cindy13kemt看 (2:45:43 PM): thats good  
cindy13kemt看 (2:45:47 PM): i guess 4 u  
assassin0016 (2:46:11 PM): id love to taste ur sweet lips baby  
cindy13kemt看 (2:46:31 PM): that would be nice  
assassin0016 (2:46:44 PM): oh yes  
assassin0016 (2:46:53 PM): and suck on your lil breasts baby  
cindy13kemt看 (2:47:04 PM): lol nice  
assassin0016 (2:47:12 PM): would that make u hot  
cindy13kemt看 (2:47:19 PM): yea  
assassin0016 (2:47:27 PM): make sure u turn this comp off when they  
come baby

10. On October 30, 2006, "assassin016" again contacted "cindy13kemt看" via Yahoo! instant messenger. "assassin016" asked Cindy if she was alone. "assassin016" asked "cindy13kemt看" for her picture again. "cindy13kemt看" activated the photo sharing program and displayed a photograph of an adult female employee of the Harris County Constable Office, Precinct 4, with her permission, posing as "cindy13kemt看". The photo was not sexual in nature. "assassin016" tells "cindy13kemt看" that she is cute and asked her how to make it bigger. "assassin016" told "cindy13kemt看" that he saved her picture. "assassin016" tells "cindy13kemt看" that he would love to see her naked. "cindy13kemt看" tells "assassin016" that it's neat that he likes her. "assassin016" told "cindy13kemt看" that yes it is as long as it stays a secret until she is eighteen. "assassin016" continued to tell "cindy13kemt看" that he could get into big trouble. "assassin016" requested for "cindy13kemt看" to masturbate. "assassin016"



continues to talk to "cindy13kemt看" in an explicit sexual manor. The following is excerpts from this chat:

assassin0016 (10:07:45 AM): let me see ur pic again baby  
assassin0016 (10:08:02 AM): do u have anymore  
assassin0016 (10:08:46 AM): ur cute  
cindy13kemt看 (10:08:52 AM): TY  
assassin0016 (10:08:53 AM): really cute  
cindy13kemt看 (10:08:59 AM): TY!  
assassin0016 (10:09:20 AM): how do i make it bigger  
cindy13kemt看 (10:09:33 AM): i dont know  
assassin0016 (10:09:46 AM): i did it i saved it to my desktop  
assassin0016 (10:10:40 AM): u got a hot ass lil body  
assassin0016 (10:10:47 AM): id love to see u naked  
cindy13kemt看 (10:10:53 AM): lol  
cindy13kemt看 (10:10:55 AM): k  
assassin0016 (10:11:13 AM): u wanna show me  
assassin0016 (10:22:36 AM): i want u to stick ur finger inside ur panties  
and rub it for me baby  
assassin0016 (10:22:53 AM): tell me how it feels  
cindy13kemt看 (10:23:07 AM): lol im turning sooo rewd right now  
cindy13kemt看 (10:23:12 AM): refd  
cindy13kemt看 (10:23:14 AM): red  
assassin0016 (10:23:22 AM): thats okay means u love me  
assassin0016 (10:23:26 AM): r u blushing  
assassin0016 (10:24:49 AM): r u scared to rub ur pussy for me  
cindy13kemt看 (10:25:09 AM): kinda  
assassin0016 (10:25:20 AM): why  
assassin0016 (10:25:25 AM): u scared it might hurt

At approximately 03:17 PM CDT, "assassin016" contacts "cindy13kemt看" again and initiates another chat. During this chat "assassin016" tells "cindy13kemt看" that he needs her so bad and that he is horny for her. "assassin016" continues to talk to "cindy13kemt看" in an explicit sexual manor. The following are excerpts of the chats:

assassin0016 (03:27:26 PM): i wish we could make love baby  
cindy13kemt看 (03:27:36 PM): u do  
assassin0016 (03:44:12 PM): i want to feel ur tight lil pussy on my cock  
Cindy



assassin0016 (03:44:35 PM): it hurts the first time  
 assassin0016 (03:44:39 PM): a lil  
 cindy13kemt看 (03:45:31 PM): really  
 cindy13kemt看 (03:45:35 PM): how bad  
 assassin0016 (03:45:39 PM): yes not really bad  
 assassin0016 (03:45:42 PM): id be gentle with u  
 assassin0016 (03:46:15 PM): after the first time though u would be  
     wanting me to fuck u all the time  
 assassin0016 (03:52:32 PM): say marvin i want u to fuck me  
 assassin0016 (03:53:03 PM): are u afraid to say that baby

11. On November 1, 2006, "assassin016" contacted "cindy13kemt看" via Yahoo! instant messenger. During the chat "assassin016" asked "cindy13kemt看" if she was alone and what she was wearing. "assassin016" asked "cindy13kemt看" to masturbate for him. "assassin016" asked "cindy13kemt看" if he could call her so that he could hear her "cum". "assassin016" activates his live webcam. Levaughn starts masturbating on the camera. "assassin016" continued to talk to "cindy13kemt看" in an explicit sexual manor. The following are excerpts of the chats:

assassin0016 (10:30:03 AM): thanks for remembering my bday baby  
 assassin0016 (10:30:06 AM): u alone  
 assassin0016 (10:39:02 AM): i bet u look sexy honey  
 assassin0016 (10:39:09 AM): i think ur so hot looking for ur age baby  
 assassin0016 (10:39:33 AM): and mature  
 assassin0016 (10:39:41 AM): hot lil body too  
 assassin0016 (10:39:47 AM): i want that lil body baby  
 cindy13kemt看 (10:39:58 AM): kewl  
 assassin0016 (10:40:30 AM): u wanna give me that hot lil kitty baby  
 assassin0016 (10:40:43 AM): do u ever think about me at night when ur  
     laying there  
 assassin0016 (10:43:52 AM): i think of u alot  
 assassin0016 (10:44:12 AM): wanting to make love to u honey  
 assassin0016 (10:44:29 AM): i bet u would be a hot lil lover after i teach u  
     how  
 assassin0016 (10:45:56 AM): my cocks getting hard now  
 cindy13kemt看 (10:46:02 AM): lol ller  
 assassin0016 (10:46:07 AM): no i mean it  
 assassin0016 (10:46:11 AM): u wanna see

assassin0016 (10:55:20 AM): then i want u to rub ur pussy with ur index  
finger baby until it starts to get wet rub on the clit  
assassin0016 (10:55:24 AM): can i call u  
assassin0016 (10:55:42 AM): i wanna hear u cum  
assassin0016 (10:55:45 AM): i wont ever call again  
assassin0016 (10:56:09 AM): i promise  
assassin0016 (10:56:17 AM): ill call private so number will show up  
cindy13kemt看 (10:56:43 AM): r u crazy!!!!!!...  
assassin0016 (10:56:46 AM): u watch the caller id when i call and tell me  
if u see a number

11. On November 6, 2006, Yahoo!, Inc. responded to the summons I issued and stated that the Yahoo! user name "assassin016" was created by an individual using the name Marvin West, and gave an address city of Fort George G Meade, Maryland. The account was created on November 16, 2003. Yahoo! also supplied Internet Protocol (IP) addresses for when the account was accessed. One of those IP addresses was 68.206.154.51, which was used on October 28, 2006 at 20:44:26 GMT to access the account.
12. On November 6, 2006, I queried the American Registry for Internet Names (ARIN) database for IP address 68.206.154.51, which resolved to Time Warner/Road Runner Communications (TW/RRC).
13. On November 15, I issued a summons to TW/RRC requesting subscriber information for the account assigned IP address 68.206.154.51 on October 28, 2006 at 20:44:26 GMT.
14. On December 7, 2006, "assassin016" contacted "cindy13kemt看" via Yahoo! instant messaging. "cindy13kemt看" asked "assassin016" where he has been. "assassin016" tells "cindy13kemt看" that he has not had internet for a while. "assassin016" activates his live webcam. The webcam feed showed a male subject

wearing military fatigues and on the right upper pocket the letters "evaughn" are visible. The following are excerpts of the chats:

assassin016 (12/7/2006 11:56:56 AM): did u miss me  
Cindy M (12/7/2006 11:57:07 AM): i was wondering where u went  
assassin016 (12/7/2006 11:57:18 AM): well i didnt have internet for a  
long time babe  
assassin016 (12/7/2006 11:57:36 AM): r u still my girl

15. On December 11, 2006, TW/RRC responded to the summons and stated that IP address 68.206.154.51 on October 28, 2006 at 20:44:26 GMT was assigned to an account subscribed to by Anthony Papa, 41002 Rm 328, Wg 1, Fort Hood, Tx 76544 and that the account had been disconnected on November 14, 2006.
16. On December 13, 2006, the Department of Public Safety (DPS) Driver's License Database was queried for names ending with the letters "evaughn". Agents tried common names, i.e. Devaughn and Levaughn. Agents found a subject named Marvin Levaughn that was issued a Texas Driver's License. The driver's license photo was of a male subject who was positively identified as the same male subject seen in the live webcam feeds sent by "assassin016" to "cindy13kemt看" that were mentioned in paragraphs 6 and 9. The driver's license showed Marvin LEVAUGHN as residing at 84223 Fuentes Ct., Fort Hood, Texas 76544.
17. On January 26, 2007, LEVAUGHN contacted "cindy13kemt看" via Yahoo! instant messaging. LEVAUGHN asked "cindy13kemt看" if she was alone. Levaughn asked "cindy13kemt看" if she "ever rubs her pussy at night and thinks of him". "cindy13kemt看" asked LEVAUGHN where Belton TX was, LEVAUGHN replied, near him. LEVAUGHN asked Cindy why is she coming there, "cindy13kemt看" replied, mom that she has a school their and that mom might take

her. LEVAUGHN tells "cindy13kemt看" damn I could come and see you.

LEVAUGHN tells "cindy13kemt看" that they could "fuck" while she is there.

LEVAUGHN asked "cindy13kemt看" what is she going to do while mom is in school, "cindy13kemt看" replied, nothing stay in the room. LEVAUGHN asked "cindy13kemt看" if her mother was going to be in school all day. LEVAUGHN asked "cindy13kemt看" if she wanted him to come by and suck her "pussy".

"cindy13kemt看" tells LEVAUGHN that they would have to be careful.

LEVAUGHN tells "cindy13kemt看" that he could go to jail for fucking her.

"cindy13kemt看" tells LEVAUGHN that she is scared; LEVAUGHN replied that he is too. Cindy tells LEVAUGHN that she can not get pregnant. LEVAUGHN tells "cindy13kemt看" that he is sterile but he will use condoms. "cindy13kemt看" asked LEVAUGHN why would he go to jail. LEVAUGHN told "cindy13kemt看" that she is "14 I'm 44, your jail bait". "cindy13kemt看" tells LEVAUGHN that she is scared again. LEVAUGHN told "cindy13kemt看" that he is too but he wants that "hot little pussy". LEVAUGHN tells "cindy13kemt看" to let him know where she is going to be staying and when. LEVAUGHN tells "cindy13kemt看" to give her a phone number so he can talk to her when she is their. The following is an excerpt from the chat:

assassin0016 (8:23:00 AM): u home alone now?

assassin0016 (8:23:10 AM): have u taken any pics lately

cindy13kemt看 (8:23:31 AM): no...YEA im a lone!! im talkto u arent i

assassin0016 (8:23:38 AM): yes lol

assassin0016 (8:23:43 AM): i still want u honey

cindy13kemt看 (8:23:56 AM): do u

assassin0016 (8:24:00 AM): hell yes

assassin0016 (8:24:34 AM): do u ever rub ur pussy at night thinking of me  
baby


cindy13kemt看 (8:24:44 AM): lol maybe

assassin0016 (8:24:50 AM): mmmm yes  
 assassin0016 (8:24:59 AM): u want me  
 cindy13kemt看 (8:25:42 AM): where is belton tx  
 assassin0016 (8:25:54 AM): not far from me  
 assassin0016 (8:25:58 AM): about 8 miles  
 cindy13kemt看 (8:26:00 AM): no way!\n  
 assassin0016 (8:26:01 AM): from fort hood  
 assassin0016 (8:27:44 AM): i wish we could fuck when u come baby  
 assassin0016 (8:28:19 AM): what are u gonna do while ur mom is in  
     school  
 assassin0016 (8:28:44 AM): u there  
 cindy13kemt看 (8:28:49 AM): yea  
 cindy13kemt看 (8:29:02 AM): nothing i guess...stay at the room  
 assassin0016 (8:29:02 AM): are u gonna be in a hotel  
 assassin0016 (8:29:12 AM): will ur mom be gone all day  
 cindy13kemt看 (8:29:20 AM): yea she is going to be there for a week  
 cindy13kemt看 (8:29:30 AM): yea i think so  
 assassin0016 (8:29:31 AM): so u will be alone all day  
 cindy13kemt看 (8:29:44 AM): while she is in school  
 assassin0016 (8:29:50 AM): u want me to come by and suck ur pussy  
     while she is at school  
 cindy13kemt看 (8:30:13 AM): lol...r u sierous  
 assassin0016 (8:30:22 AM): yes do u want me too  
 cindy13kemt看 (8:31:25 AM): i cant get prego!  
 assassin0016 (8:31:30 AM): i dont want that to happen  
 assassin0016 (8:31:33 AM): im sterile babe  
 assassin0016 (8:31:38 AM): i had a vasectomy  
 assassin0016 (8:31:45 AM): years ago i cant get u pregnant  
 assassin0016 (8:31:53 AM): but ill still use a condom  
 assassin0016 (8:33:09 AM): i just cant go to jail babe ur mom would kill  
     me  
 assassin0016 (8:33:12 AM): if u did what  
 cindy13kemt看 (8:33:13 AM): i did know if i wanted to until now  
 cindy13kemt看 (8:33:30 AM): why would u go to jail??????  
 assassin0016 (8:33:31 AM): what make love?  
 assassin0016 (8:33:37 AM): ur 14 im 44  
 assassin0016 (8:33:42 AM): ur jailbait baby  
 assassin0016 (8:39:21 AM): well u let me know all the details the hotel  
     and the dates and give me a number to call u if u can babe when u  
     get here send me an im

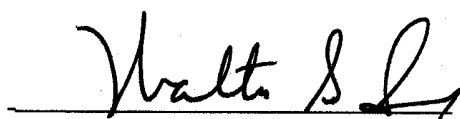
18. On January 31, LEVAUGHN left an offline message on Yahoo! Instant Messenger for "cindy13kemt看" giving a phone number for "cindy13kemt看" to call to contact LEVAUGHN.

19. On February 1, 2007, the female undercover agent from Kemah Police Department called LEVAUGHN at the number given by LEVAUGHN on January 31, 2007. The female undercover agent spoke with LEVAUGHN and during the course of the conversation LEVAUGHN was advised that the undercover agent was staying at the La Quinta Inn in Belton, Texas. LEVAUGHN stated that he wanted to "make love to her". The female undercover agent asked LEVAUGHN to bring some chocolate with him. LEVAUGHN stated that he had a meeting to go to and he would arrive at the hotel around 12:30 PM.
20. On February 1, 2007, LEVAUGHN contacted the female undercover agent and told her that he was at the La Quinta Hotel. At the same time, ICE Special Agents observed a black 2005 Chevy Tahoe enter the parking lot at the La Quinta Inn, 229 W. Loop 121, Belton, Texas. The Chevy Tahoe parked in the east side parking lot and a male subject wearing military fatigues exited the Chevy, carrying a white plastic bag. I positively identified this subject as Marvin LEVAUGHN, based upon his Texas Driver's License and live webcam feeds.
21. The male subject walked up to the east side door and attempted to enter the hotel. At this point, ICE Special Agents approached LEVAUGHN and placed him in custody. The white plastic bag LEVAUGHN had been carrying was found to contain a chocolate bar, cigarettes and a box of condoms.
21. I know, through my experience and training, that it is a violation of Texas Penal Code, Section 22.021 to have sexual intercourse or sexual contact with a minor as LEVAUGHN describes in his chat on September 27, 2006.

22. I know, through my training and experience, and with conversations with other law enforcement officers that have experience in child exploitation investigations involving the Internet that chats taking place with Yahoo! Instant messenger are routinely routed through servers located in California.
23. Based on the information delineated above, I respectfully request that the Court find probable cause and issue a Criminal Complaint charging Marvin LEVAUGHN with violations of Title 18 U.S.C. Section 2422(b) and Title U.S.C. § 2423(e).

  
Jeffery G. Chappell  
Special Agent, ICE

Sworn to before me on February 1, 2007, and I find probable cause.

  
Honorable Walter S. Smith Jr.  
United States Chief United States District Judge